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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,316	02/06/2004	Leo Sartor	14610	6480

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DOWELL & DOWELL, P.C.
Suite 309
1215 Jefferson David Hwy
Arlington, VA 22202-3124

EXAMINER

GRAHAM, MARK S

ART UNIT PAPER NUMBER

3711

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,316

Applicant(s)SARTOR ET AL. ed**Examiner**

Mark S. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/1/04</u> . | 6) <input type="checkbox"/> Other: ____. |

In claim 20, line 1, "20" appears to be a typo. For purposes of this action it has been assumed that "20" should have been --19--.

In claim 21, line 1, "21" appears to be a typo. For purposes of this action it has been assumed that "21" should have been --20--.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by McKinnon. As can be seen in Figs. 6 and 7 of McKinnon the blade comprises a synthetic core made of elements 46, 55, 50, and the core resin. A layer of fibers 42 covers this core on the front and back surfaces and is in turn imbedded in a polyurethane resin layer which comprises the front and rear thermoplastic sheets.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-11, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiitola et al. '195 (Tiitola) in view of McKinnon.

Tiitola discloses the claimed device with the exception of the blade construct including the shank portion. Note Tiitola's foam core, fiber layer 24, 25, 26, 27, and thermoplastic layer 28, 29 (fibers embedded in thermoplastic). In view of McKinnon's disclosure that such blade

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constructs may include the shank portion it would have been obvious to one of ordinary skill in the art to have included such with Tiitola's blade as well if it was desired to fit it to a shaft such as McKinnon's.

Regarding claim 10, layers 24, 25, 26, and 27 covering a first portion 22 are considered the first fibers and layers 24, 25, 26, and 27 covering a second portion 22 are considered the second fibers.

Concerning claim 11, layers 28, 29 comprise the third fiber braid.

Claims 12, 13, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 11, and 24 above, and further in view of Battis et al. (Battis). For purposes of this rejection Battis may be considered to disclose an outer layer applicable to hockey sticks which includes a woven fiber layer imbedded in a thermoplastic sheet. It would have been obvious to one of ordinary skill in the art to have applied a sleeve such as Battis to Tiitola's hockey stick to increase puck control.

Concerning claim 12, layers 28 and 29 of Tiitola may be considered the third fibers braid.

Regarding claim 25, Tiitola teaches that epoxy may be used as his resin.

Claims 14-17 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 13 and 26 above, and further in view of Lallemand.

Claims 14-17 and 27-29 are obviated for the reasons explained above with the exception of the angle of the braid. However, as disclosed by Lallemand the braid of such fiber layers in the blade may be varied from 30 to 60 degrees as desired depending on the rigidity one wishes to obtain in the blade. It would have been obvious to one of ordinary skill in the art to have varied Tiitola's fiber angle in the same manner to obtain a particularly desired rigidity.

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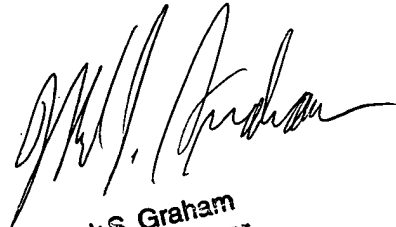
Regarding claim 15, note Tiitola's fiber bridges 24, 25.

Concerning claims 17 and 29, note Col. 4, lines 60-65 of Battis which teaches that the outer layer may include indicia for its inherent purpose.

Lussier et al. and Gagnon et al. have been cited for interest because they disclose similar devices.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 571-272-4410.

MSG
3/14/05



Mark S. Graham
Primary Examiner